



Appeal Decision

Site visit made on 6 May 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 JUNE 2024

Appeal Ref: APP/G5180/W/23/3330853

233A High Street, Bromley BR1 1NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Dayani (Joseph Samuel Corporation) against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/01742/FULL1.
 - The development proposed is described as 'vertical extension to create 1No new studio flat'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are: i) Whether the proposal would preserve or enhance the character or appearance of the Bromley Town Centre Conservation Area (BTCCA); and ii) the effect of the proposal on the living conditions of neighbouring occupiers, with regard to levels of sunlight, daylight and outlook.

Reasons for the Recommendation

Character and Appearance of the Conservation Area

4. The Appeal property is located within the BTCCA, identified as forming part of the Northern High Street and London Road Character Area within the Bromley Town Centre Conservation Area Statement (2011) (CAS). The area is primarily characterised by three and a half storey buildings of traditional materials and design with front elevations adjacent to High Street and the rear to Walters Yard. Many of these rear elevations have been extended creating a varied and irregular appearance which the CAS identifies as contributing to the area's character. Nevertheless, there is a consistency in the subservient nature of these extensions in relation to the host property, retaining a high degree of visibility of the rear elevation to which they are affixed and therefore the legibility of the building's original character.
5. The existing extension to the rear of the appeal property projects far more substantially than the majority of the surrounding buildings. It's two storey nature and close proximity to Walters Yard make it a prominent feature within

the street scene. Nonetheless, the low profile of the roof partially concealed by the side walls enables it to retain an element of subordination to the host dwelling with the upper section of the original rear elevation remaining legible, conserving the prevailing character of the area and having a neutral effect on the character and appearance of the area.

6. The proposed upward extension would add substantial mass to the existing structure. Despite including a pitched roof and having matching materials this would significantly increase its prominence within the street scene. When combined with its appreciable length, it would appear an obtrusive and prominent feature when viewed from Walters Yard. Its visual dominance would be further emphasised when considered in the context of the more diminutive rear extensions within the area. Furthermore, it would obscure a significant proportion of the host dwelling's rear elevation, eroding its existing subservience and the legibility of the building's original character. Therefore, it would appear at odds with the prevailing nature of the surrounding built environment. As such, the proposal would harm the character and appearance of the BTCCA.
7. With the above in mind, the proposal as a whole would neither preserve or enhance the character or appearance of the BTCCA. Given the scale and location of the scheme, the harm would be less than substantial for the purposes of the National Planning Policy Framework (The Framework). In such circumstances, paragraph 208 of the Framework explains that such harm should be weighed against any public benefits.
8. The proposal would provide one additional dwelling. This would make only a minor contribution to the existing housing stock, to which I attribute limited weight in favour of the proposal. This would not outweigh the harm I have identified to the heritage asset and the great weight I am required to give to the asset's conservation.
9. Accordingly, the proposal as a whole would be contrary to Policies 4, 37 and 41 of the London Borough of Bromley Local Plan [2019] (BLP), and Policies D3, HC1 and H2 of the London Plan [2021] (LP), which when read together require development to respect or complement the layout, scale, and form of existing buildings and spaces, in addition to conserving the significance of heritage assets.

Living Conditions

10. The windows within the rear elevations of the neighbouring buildings, of 231 and 235 High Street, are close to the rear projecting returns which characterise the area, most notably that of the appeal property. Windows above the ground floor appear to serve residential units either side of the site. The rear return of the host property significantly restricts the outlook and sunlight/daylight received to these window openings, with their north-eastern orientation further reducing levels of sunlight and daylight. Due to the northeasterly facing direction of neighbouring windows at 231 and 235 it is unlikely that direct sunlight would penetrate these rooms.
11. Whilst the proposal would increase the height of the rear extension, given the existing situation described above, its effect on the outlook and levels of daylight received by the windows of the neighbouring dwellings would be limited.

12. Accordingly, the proposal would be acceptable in terms of its effect on the living conditions of neighbouring occupants, with regard to levels of sunlight, daylight and outlook. As such, and in regard to this main issue, the proposal would comply with BLP Policies 4 and 37, and LP Policies D3, D6, and H2, which amongst other things require development to respect the living conditions of neighbouring occupiers and not harm existing levels of sunlight.

13. Other Matters

14. The Framework seeks to boost the supply of housing, and for development to make efficient use of and optimise the use of land. However, being for only one dwelling the provision of new housing and the other stated benefits would be of only limited to modest weight in favour of the proposal.
15. I have found that the proposal would not have a material effect on the living conditions of neighbouring occupiers with respect to daylight or outlook. However, an absence of harm in this respect can only be considered as a neutral factor in the planning balance.

Planning Balance

16. The Council acknowledge that it currently has an undersupply of housing, with a provision of around 2.96 years. Therefore, paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(i) indicates that planning permission should be granted unless the application of policies in this Framework, that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed. Footnote 7 of the Framework identifies designated heritage assets (such as CA's) as one of the areas that paragraph 11(d)(i) relates. Given the harm I have identified to the BTCCA, the Framework's policies attributing great weight to the conservation of heritage assets provide clear reasons for refusing to grant planning permission.

Conclusion and Recommendation

17. The appeal scheme would not accord with both the development plan and the Framework when taken as a whole and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore recommend the appeal be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR